

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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)	
In Re SEARCH OF)	Civil Action No. 07-46M
2300 FREEPORT, SUITE 7.)	
)	Magistrate Judge Caiazza
)	
)	<u>FILED UNDER SEAL</u>

ORDER

As referenced in an Order dated June 1, 2007, Occupant Ceraso has asked that the affidavits filed in Criminal Action Number 05-385 be filed in this case as well. The government states no objection, see Doc. 23, provided the affidavits are filed under seal here and will not be unsealed without prior written notice to the United States and its opportunity to respond. These limitations are appropriate, and they are hereby ADOPTED.

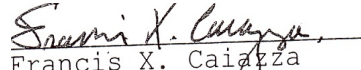
The government also requests notice and an opportunity to respond to any request made of this court to authorize the filing of the affidavits in any other action or case. *Id.* at 2. As explained in the June 1st Order, this court lacks the authority to direct the filing of the affidavits in any other proceeding; such a request would have to be taken up by the District or Magistrate Judge in the now hypothetical case.

For this reason, as well as the law's disfavor of advisory opinions, the government's request for notice and an opportunity to respond in future cases or actions is DENIED.

Today, the court will file under seal here the relevant affidavits in Criminal Action No. 05-385. Although this Order will be served by email, the affidavits will be served on counsel for Occupant Ceraso via regular U.S. Mail.

THESE THINGS ARE SO ORDERED.

June 19, 2007


Francis X. Caiaffa
U.S. Magistrate Judge

cc (via email):

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James Y. Garrett, Esq.
Robert Eberhardt, Esq.
Robert Cessar, Esq.
The Honorable Terrence F. McVerry,
United States District Court Judge